

Notice of Decision

Proposal File #: P-07-0001 Zoning: R-1 & O

Proposal: Liberty View Villas Preliminary Plat

Proposal Description: Subdivision to create 49 single family lots in the R-1 Zone, 2 open space tracts in the O Zone, & 2 tracts for the private street system serving the project

General Location: W. of Liberty Lake Rd. & Settler Drive

Owner: Flophouse, LLC (Brian Main) Owner: 509-599-4455

Contact: Storhaug Engineering (John Konen) Contact: 509-242-1000

Application Date: 5/2/07 Determination of Completeness Issued: 5/16/07 Incomplete, 5/25/07 Complete

Notice of Application Review: 6/5/07 - 6/19/07 Public Hearings: Hearing Examiner - 7/25/07, City Council - 9/4/07 & Continued to 9/18/07

Notice of Decision Issued: 9/28/07 Appeal Closing Date: 10/19/07

CITY OF LIBERTY LAKE CITY COUNCIL DECISION:

- ☐ Approved
- ☒ Approved w/ Conditions
The above-mentioned proposal is approved with the following conditions: (see attachments)
- ☐ Disapproved
The above-mentioned project has been denied due to the following: _____

SEPA THRESHOLD DETERMINATION: Mitigated Determination of Non-Significance (see MDNS issued 7/10/07)

The City Council's decision on this project is final and conclusive unless within twenty-one (21) calendar days from the issuance of the decision, a party with standing files a land use petition in superior court pursuant to chapter 36.70C RCW. Pursuant to chapter 36.70C RCW, the date of issuance of the Council's decision is three (3) calendar days after it is mailed. This decision was mailed by Certified Mail to the Applicant, and by first class mail to other parties of record, on 9/25/07. The date of issuance of the City Council's decision is therefore 9/28/07, counting to the next business day when the last day for mailing falls on a weekend or holiday. **THE LAST DAY FOR APPEAL OF THIS DECISION TO SUPERIOR COURT BY LAND USE PETITION IS 10/19/07.** Appeal requests shall contain all information and items required in the City Development Code Section 10-4B-4, subsection H and must be received by 4:00 p.m. on the last day of the appeal period.

This Notice of Decision has been provided to the project applicant, the Spokane County Assessor, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

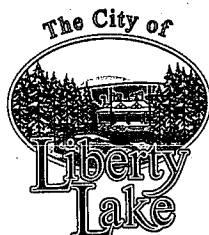
A copy of the SEPA determination was previously provided to the Dept. of Ecology - Olympia, Dept. of Transportation - Spokane County, Other Reviewing Agencies, and the project applicant.

The complete record in this matter, including this decision, is on file during the appeal period with the review authority listed below. Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

A Notice of Decision was also printed in the 9/27/07 edition of the Liberty Lake Splash.

REVIEW AUTHORITY:

PROJECT COORDINATOR: Amanda Tainio, Senior Planner



Planning & Community Development Department
22710 E. Country Vista Blvd., Liberty Lake, WA 99019
Phone: (509) 755-6707, Fax: (509) 755-6713, www.libertylakewa.gov

Date: September 25, 2007

Signature: Amanda Tainio

**BEFORE THE CITY OF LIBERTY LAKE
CITY COUNCIL**

**APPROVAL BY THE CITY COUNCIL CONCERNING THE
LIBERTY VIEW VILLAS PRELIMINARY PLAT (P-07-0001)**

)
) **FINDINGS OF FACT**
) **CONCLUSIONS AND**
) **DECISION**
)

I. STAFF SUMMARY

Doug Smith, Director of Planning & Community Development introduced the Hearing Examiner's recommendation and the project background for the proposed Liberty View Villas Preliminary Plat (P-07-0001).

II. GENERAL INFORMATION

Copies of the Hearing Examiner's recommendation, City staff report, and the proposed Preliminary Plat map were distributed to the City Council prior to the hearing.

III. REGULATORY AUTHORITY

1. RCW 58.17, RCW 36.70B, RCW 36.70C
2. City Development Code
3. City of Liberty Lake Ordinances No. 27 and No. 30

IV. PROCEDURAL INFORMATION

	Date	Notice
Pre-Application Conference	3/6/07	Notice emailed to agencies on 2/23/07
Application Submitted	5/2/07	
Determination of Completeness	5/16/07 Incomplete, 5/25/07 Complete	
Notice of Application	Issued: 6/5/07 Comment Deadline: 4pm, 6/19/07	Notice published in the 6/7/07 edition of the Liberty Lake Splash (the official City newspaper) Notice mailed to property owners within 400' radius & agencies on 6/5/07 Notice emailed to public notice group on 6/5/07 Notice posted on City website on 6/5/07 Affidavit of Sign Posting received on 6/5/07, sign posting verified on 6/6/07
Technical Review Meeting	6/29/07	Notice emailed to agencies on 6/20/07
Notice of Hearing Examiner Public Hearing	Issued: 7/10/07 Hearing on 7/25/07 at 2:00 p.m.	Notice published in the 7/12/07 edition of the Liberty Lake Splash (the official City newspaper) Notices mailed to property owners within 400' radius, agencies, & members of the public that have submitted project comments on 7/10/07 Notice emailed to public notice group on 7/10/07 Notice posted on City website on 7/10/07 Affidavit of Sign Posting due on 7/11/07, sign posting verified on 7/11/07

Notice of City Council Public Hearing	Issued: 8/7/07	Notice published in the 8/16/07 edition of the Liberty Lake Splash (the official City newspaper)
	Hearing to be held on 9/4/07 at 7:00 p.m. -	Notices mailed to parties of record on 8/7/07
	Hearing Continued to 9/18/07 at 7 p.m.	Notice emailed to public notice group on 8/7/07
		Notice posted on City website on 8/7/07

V. HEARING EXAMINER RECOMMENDATION

The City of Liberty Lake Hearing Examiner recommended approval of the project.

VI. FINDINGS OF FACT

1. The public had the opportunity to testify at the Hearing Examiner Public Hearing on July 25, 2007 and those comments, as well as comments received during the Notice of Application were established as part of the record for the Hearing Examiner's recommendation.
2. The public was notified of the closed record City Council hearing by publishing a notice in the August 16, 2007 edition of the Liberty Lake Splash and notice was mailed on August 7, 2007 to parties of record.
3. The City Council has received and reviewed the Hearing Examiner's findings of fact.

VII. CONCLUSIONS

Based on the above findings of fact, the City of Liberty Lake City Council concludes:

1. That all public notification requirements were met and accomplished in a timely manner.
2. That the public was given adequate opportunity to testify for or against the proposed Liberty View Villas Preliminary Plat (P-07-0001).
3. That the Hearing Examiner's Recommendation was taken into consideration

VIII. DECISION

The City of Liberty Lake City Council APPROVES the Liberty View Villas Preliminary Plat (P-07-0001) consistent with the Hearing Examiner's Recommendation.

Dated the 18th day of September 2007.


Steve Peterson, Mayor

Attest:


Cindy Smith, Deputy City Clerk/ Treasurer

City of Liberty Lake City Council Vote of Record:

Council Member Crump	Aye		Council Member Owens	Aye
Mayor Pro Tem Jenkins	Aye		Council Member Sayrs	Absent
Council Member Van Orman	Absent		Mayor Peterson	
Council Member Olander	Aye			

CITY OF LIBERTY LAKE HEARING EXAMINER

Re: Preliminary Plat of Liberty View Villas)	FINDINGS OF FACT,
Applicant: Flop House, LLC)	CONCLUSIONS OF LAW,
)	AND DECISION
)	
)	FILE NUMBER P-07-0001

I. SUMMARY OF PROPOSAL AND DECISION

Proposal: The applicant seeks approval for a preliminary plat to subdivide approximately 23.10 acres into 49 single-family lots, with 12.81 acres of the site remaining in open space.

Decision: The Hearing Examiner recommends approval, subject to conditions.

II. BACKGROUND/FINDINGS OF FACT

A. General Information

Applicant: Flop House, LLC
c/o Brian Main
802 North Washington St, Ste 100
Spokane, WA 99201

Represented by: John Konen
Storhaug Engineering
510 East 3rd Avenue
Spokane, WA 99202

Property Address: Not assigned

Property Location: The property is located west of Liberty Lake Road, generally southwest of that roads intersection with Settler Drive in the City of Liberty Lake.

Parcel Numbers: County Assessor Tax Parcel #55226.9035

Zoning: The western 10.29 acres of the site are zoned R-1 (Single-family Residential), and the easterly 12.81 acres of the site are zoned O (Open Space/Recreation).

Comprehensive Plan Map Designation: The Comprehensive Plan map designations follow the zoning. The westerly portion is designated for Single-family Residential uses and the eastern portion is designated Open Space/Recreation.

Environmental Review: A Mitigated Determination of Nonsignificance (MDNS) was issued by the City of Liberty Lake on July 10, 2007. The MDNS contains 13 mitigating measures.

Site Description: The site is irregular in shape and contains approximately 23.10 acres in area. The site slopes down to the east at 15 to 50 percent grade with the steepest terrain on the eastern half of the site. The slopes above the site in the Legacy Ridge Development are more gradual at approximately 20 percent or less. This site is vegetated with a moderate growth of grasses, Ponderosa Pine, brush and numerous Precambrian metaphoric rock outcrops. There are trails on site but no structures.

Surrounding Conditions: North of the site, the property is zoned R-1 (Single-family Residential) with a strip of O (Open Space/Recreation) zoning along the eastern edge. The land is being used for single-family homes and open space within the Legacy Ridge PUD. South of the site the land is within unincorporated Spokane County and the zoning is Rural Traditional. There is a condominium development and vacant land in that area. Also, an existing Liberty Lake Sewer and Water District water tank is located south of the subject site and an easement through the subject site will provide access to that tank. The land east of the subject site and north of Sprague Avenue is zoned R-1, with a strip of O Zoning along the western and northern edges. The land is currently used for single-family homes, a trail system and a golf course. East of the subject site and south of Sprague Avenue the property is outside of the Liberty Lake City Limits and the existing zoning is Rural Traditional. Uses include vacant land, a trail system, condominiums, multi-family and single-family development. The properties west of the subject site are zoned R-1 and are developed with single-family homes within the Legacy Ridge PUD.

Project Description: The applicant seeks approval of a preliminary plat to subdivide this property into 49 single-family lots. Also proposed are two open-space tracts located on the east side of the site in the O Zone and a private roadway through the O Zone from Liberty Lake Road to access the lots. The lots will be located on the western half of the site in the R-1 Zone. The lots range in size from slightly over 6,000 square feet to 19,547 square feet with most lots being between 6,000 and 7,500 square feet in size. The roads serving the site will be private, but built to City standards. A homeowners association will be established in order to maintain the roads, the open space and other private facilities and utilities on site. Liberty Lake Road is designated as a minor arterial in the City's Arterial Plan.

B. Procedural Information

Applicable Zoning Regulations: The proposal is regulated by the City of Liberty Lake Development Code articles 10-2B, and 10-2L. Various design and maintenance standards in Chapter 3 also control, such as Articles 10-3B, 10-3C and 10-3D. Article 10-4G relates to approval criteria and Chapter 6 relates to Critical Areas.

Hearing Date and Location: The hearing was held on July 25, 2007, at 2:00 p.m. in the City Council Chambers at the Liberty Lake City Hall.

Notices: Mailed: July 10, 2007
Posted: July 11, 2007
Published: July 12, 2007

Site Visit: July 25, 2007

Testimony:

Amanda Tainio
City of Liberty Lake Planning and
Community Development Department
1421 N. Meadowwood Lane, Suite 120
Liberty Lake, WA 99019

John Konen
Storhaug Engineering
510 E. 3rd Avenue
Spokane, WA 99202

Keva Monson
P. O. Box 116
Liberty Lake, WA 99019

Beth Cocchiarella
715 Liberty Lake Drive
Liberty Lake, WA 99019

Karen Toresen
1513 Lilac Lane
Liberty Lake, WA 99019

Tom Bratebo
23513 East Thrud
Liberty Lake, WA 99019

Harley Halverson
519 Shoreline Drive
Liberty Lake, WA 99019

Kottayam Natarajan
1525 South Lilac Lane
Liberty Lake, WA 99019

Jan Wesche
507 Shoreline Drive
Liberty Lake, WA 99019

Carol Markson
802 South Liberty Lake Drive
Liberty Lake, WA 99019

Exhibits:

1. Staff Report (pages 1 – 31), including:
 - A. Recommended Conditions of Approval (pages 32 – 39)
 - B. Maps (pages 40 – 52)
 - Preliminary Plat w/ Vicinity Map
 - Preliminary Landscape Plan
 - Site Analysis Map
 - City Comprehensive Plan Land Use Map
 - City Zoning Map
 - City Aquifer Susceptibility Map
 - City Flood Hazard Areas Map
 - City Geologic Hazards & Constraints Map
 - City Liberty Lake Watershed Map
 - City Natural Resource Lands & Historic Sites Map
 - City Priority Habitats
 - City Wetlands Map
 - C. SEPA Checklist & Threshold Determination (pages 53 – 72)
 - D. Notice of Public Hearing (pages 73 – 74)
 - E. Budinger & Associates GeoTechnical Report & Drainage Evaluation for P-06-0001 (pages 75 – 99)

- F. Budinger & Associates Preliminary GeoHazard Evaluation Report for P-07-0001 (pages 100 – 110)
- G. Correspondence from Larry Dawes at Biology, Soils, & Water, Inc. for P-06-0001 (pages 111 – 124)
- H. Agency Comments (pages 125 – 137)
- I. Public Comments (pages 138 – 173)
- 2. Conceptual Drainage Report by Storhaug Engineering
- 3. Exhibits received at time of hearing
 - A. Letter dated 07-25-07 from Karen and Art Toreson to City of Liberty Lake
re: opposing project
 - B. Various maps provided in conjunction with testimony by Keva Monson
 - C. Arial overview map of plat provided by Beth Cocchiarella in conjunction with her testimony
 - D. Letter dated 07-24-07 from Don and Eleanor Limmer to Amanda Tainio
re: opposing project
 - E. Letter dated 07-25-07 from Jan Wesche to Hearing Examiner
re: questions to consider
 - F. Letter dated 07-25-07 from Harley Halverson to Hearing Examiner
re: destruction of hillside open space
 - G. Undated letter from Keva Monson to Hearing Examiner
re: opposing project
 - H. Conservation Futures Application

III. LAND USE ANALYSIS/ FINDINGS OF FACT & CONCLUSIONS OF LAW

A. General Approval Criteria

RCW 58.17.110 requires local governments, prior to preliminary plat approval, to adopt written findings showing that the preliminary plat makes appropriate provision for the public health, safety and welfare, and for the relevant factors listed in the statute. Local governments must also find that the preliminary plat will serve the public use and interest. A preliminary plat must also conform to local zoning regulations and other applicable land use controls as set forth in the Liberty Lake Development Code (LLDC) Article 10-4D-5. See RCW 58.17.195. General conformance with a comprehensive plan is relevant in determining whether a preliminary plat should be approved.

The Planning Department has determined that the proposal is generally consistent with the City's Comprehensive Plan. The western portion of the site is designated for single-family residential development in the Comprehensive Plan. Single-family is the primary designation for residential uses in the City and the applicant intends to develop single-family uses on site. The eastern portion of the site is designated open space and recreation and will remain as open space in two tracts. In addition, staff has noted that there are several goals and policies from the Comprehensive Plan which are applicable to the proposal. The Comprehensive Plan policies noted include a goal of creating urban areas with a variety of housing types and prices as well as creating a variety of residential densities. The Comprehensive Plan also emphasizes

the need to develop where all utilities and services are in place to serve the development. Much of the public testimony at the public hearing related to preserving the entire hillside as green space and open space for aesthetic and cultural reasons. While preservation of green space is also a goal of the Comprehensive Plan, the applicant will leave over twelve acres of the site in open space and only build houses in the westerly portion where the zoning is R-1. There is nothing in the code that has been cited to the Hearing Examiner, which would allow the Hearing Examiner to deny development based on these aesthetic considerations.

The Hearing Examiner finds that appropriate provision has been made for the various factors which are set forth in RCW 58.17.110. That statute requires the City, in evaluating a proposed preliminary plat to insure that the plat makes appropriate provision for public health, safety and welfare; open spaces; drainage ways; streets, roads, alleys and other public ways; transit stops; potable water supplies; sanitary waste; parks, recreation and playgrounds; schools and school grounds; and sidewalks, pathways and other features that assure safe walking conditions. As to public health, safety and welfare, there were no comments from the police or fire departments regarding adverse impacts on public safety. Further, the courts in the State of Washington have found that compliance with the Comprehensive Plan is an important measure of whether a plat makes appropriate provision for the public welfare. As noted previously, the proposal is in conformance with the Comprehensive Plan. Open space has been addressed as the easterly twelve plus acres of the site will remain as open space with no structures built upon it. The private road serving the plat will have sidewalks on both sides. In addition, the applicant will have to establish an appropriate crossover from the west side of Liberty Lake Road to the east side to join the Outlet Channel Trail on the east side of the road. Other parks and golf courses are in close proximity.

Conditions of approval will address some of the other factors set forth in the statute. Those include a mandate that appropriate provisions be made for drainage and erosion control as well as street design and connection to the Liberty Lake Water and Sewer District's water and sewer lines. The applicant has submitted a preliminary conceptual drainage report which has been accepted by the City's engineer. A final drainage report will also be required. There are no transit stops immediately adjacent to the area but Spokane Transit Authority currently operates a park and ride lot in the City of Liberty Lake. The private roads in the plat will have sidewalks to provide safe walking and other walkways are going to be established to provide various pedestrian connections. Liberty Lake Road may have to be improved with a center turn lane depending upon the outcome of a traffic study which also will become a condition of this approval. The roads in the subdivision will be constructed to City standards and must be approved by the City engineer and the fire district. The City engineer expressed concern over other issues and those concerns will be addressed by conditions of this approval.

There were public comments regarding wildlife on this site. Although it may be true that various species have been sighted on this hillside, the subject site is not located within a fish and wildlife habitat conservation area based on the City's 2006 Priority Habitat Map and according to the staff report. In addition, no comments were received from the Washington State Department of Fish and Wildlife regarding any species or habitat issues with this site.

Addition approval criteria are set forth in the LLDC at Article 10-4D-5. The staff report analyzes those criteria at pages 22 through 30 and finds the proposal to be in general compliance. The Hearing Examiner has reviewed that analysis and hereby adopts and incorporates it herein.

That analysis by staff shows that the number of lots, the lot size, the development setbacks, the lot width and depth, the lot coverage and the overall density meets the development code requirements. It also demonstrates that the applicant will comply with the access requirements, transportation improvements, and street design as well as providing utilities and storm drainage amenities as necessary. The issue raised in public testimony most often related to the geologic hazards of the site. Soils for most of the site have been listed as highly erodible with 15 percent to 50 percent slopes. The code states that in such geologically hazardous areas, development should be discouraged unless it can be demonstrated that a site can be developed consistent with public health and safety. The City's engineer noted concerns with whether this site could be developed safely and the conditions of approval will include a requirement for a geotechnical study demonstrating that development assuring public safety can be accomplished. There was no testimony or evidence presented that would convince the Hearing Examiner that the proposal does not meet the criteria set forth in the code. In addition, conditions of approval will require compliance with the City's regulations.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to recommend to the Liberty Lake City Council that it approve the proposed preliminary plat subject to the following conditions:

1. All conditions imposed by the Hearing Examiner and/or the City Council shall be binding on the "Applicant", which term shall include the owner or owners of the property, heirs, assigns, and successors.
2. The preliminary subdivision applies to the following described real property:

PARCEL "A":

A TRACT OF LAND SITUATED IN SECTIONS 15 AND 22, TOWNSHIP 25 NORTH, RANGE 45 E.W.M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FROM WHICH THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS 15 AND 22 BEARS SOUTH 15°58'47" WEST A DISTANCE OF 217.21 FEET; THENCE SOUTH 23°45' EAST A DISTANCE OF 620.0 FEET; THENCE SOUTH 79°00' WEST A DISTANCE OF 215.0 FEET; THENCE SOUTH A DISTANCE OF 608.0 FEET; THENCE NORTH 89°36'51" WEST A DISTANCE OF 296.0 FEET; THENCE NORTH 01°30'00" WEST A DISTANCE OF 936.0 FEET; THENCE NORTH 50°00'00" WEST A DISTANCE OF 297.60 FEET; THENCE NORTH 9°12'41" EAST A DISTANCE OF 751.52 FEET; THENCE NORTH 71°00'35" EAST A DISTANCE OF 227.57 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LIBERTY LAKE ROAD; THENCE SOUTH 18°16'35" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF LIBERTY LAKE ROAD A DISTANCE OF 332.32 FEET; THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1938.14 FEET, THROUGH A CENTRAL ANGLE OF 6°23'07" A DISTANCE OF 215.99 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 65°20'18" WEST 10.00 FEET ALONG SAID RIGHT OF WAY; THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A BACK TANGENT WHICH BEARS SOUTH 24°39'42" EAST A RADIUS OF 1948.14 FEET, THROUGH A CENTRAL ANGLE OF 3°00'10" A DISTANCE OF 102.10 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 62°20'08" EAST 10.00 FEET ALONG SAID RIGHT OF WAY; THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, HAVING A BACK TANGENT WHICH BEARS SOUTH 27°39'52" EAST, A RADIUS OF 1938.14 FEET, THROUGH A CENTRAL ANGLE OF 4°06'35" A DISTANCE OF 139.02 FEET; THENCE WEST A

DISTANCE OF 122.57 FEET TO THE PLACE OF BEGINNING; (ALSO KNOWN AS PHASE 2 OF LIBERTY LAKE ESTATES); EXCEPTING THEREFROM THE EASTERLY 20 FEET THEREOF CONVEYED TO SPOKANE COUNTY FOR LIBERTY LAKE ROAD BY RIGHT OF WAY DEED RECORDED SEPTEMBER 1, 1983 UNDER RECORDING NO. 830910265; SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL "B":

A TRACT OF LAND SITUATED IN SECTIONS 15 AND 22, TOWNSHIP 25 NORTH, RANGE 45 E.W.M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FROM WHICH THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS BEARS NORTH 72°29'47" EAST A DISTANCE OF 232.62 FEET; THENCE SOUTH 1°30'00" EAST A DISTANCE OF 936.00 FEET; THENCE NORTH 89°36'51" WEST A DISTANCE OF 280.84 FEET; THENCE NORTH 00°28'44" EAST A DISTANCE OF 1001.92 FEET; THENCE NORTH 9°12'41" EAST A DISTANCE OF 124.81 FEET; THENCE SOUTH 50°00'00" EAST A DISTANCE OF 297.60 FEET TO THE PLACE OF BEGINNING; SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON. (PARCEL NO. 55226.9035)

3. The applicant shall comply with the SEPA MDNS Determination that was issued on July 10, 2007 and the mitigating conditions set forth therein. They are:
 - a. Participation in the Harvard Rd. Mitigation Plan and any other impact fees, such as that for schools, parks, etc., approved by the City Council, consistent with the City of Liberty Lake's Comprehensive Plan, shall be paid upon issuance of building permits for this project.
 - b. Prior to final plat submittal, the applicant shall supply a traffic analysis for Liberty Lake Road to demonstrate adequate sight distance availability at the proposed intersection of Liberty Lake Road and "Liberty View Lane." Off-site improvements may be required by the City of Liberty Lake to mitigate traffic problems and increase pedestrian circulation.
 - c. The final plat shall comply with the City Development Code Chapter 6, Environment, specifically as related to critical areas and any form of potential disturbance to critical areas shall be reviewed and mitigated as required by Chapter 6.
 - d. Development of the site shall comply with the City Development Code Section 10-3C-2, Landscape Conservation. Mapping of trees within right-of-way and critical areas shall be required at time of final plat civil plan submittals.
 - e. A Temporary Erosion and Sedimentation Control (TESC) plan is to be prepared by a WA State licensed Professional Engineer and implemented throughout the duration of construction. The TESC plan is to be prepared using best management practices (BMP's) currently accepted within the Civil Engineering profession. The TESC plan is to include, as a minimum, a grading plan, location, and details of silt control structures (such as silt ponds, silt traps) which are to be installed prior to other site work and the TESC measures are to be implemented and maintained throughout the duration of construction, including house construction.

- f. Geotechnical exploration and analysis is required to address slope stability, specifically with the design of slopes, walls, streets, utilities, structures, and earthwork, and shall be conducted prior to preparation of the civil plans for the final plat. Copies of the final geotechnical engineering evaluations / studies shall be submitted with the civil plans for the final plat.
 - g. Development of the site shall comply with City Development Code Article 10-3H, the Stormwater Management Manual for Eastern WA.
 - h. A Stormwater Pollution Prevention Plan for the project site may be required and should be developed by a qualified person(s). Erosion and sediment control measures in the plan must be implemented prior to any clearing, grading, or construction. These control measures must be effective to prevent soil from being carried into surface water by stormwater runoff. Sand, silt, and soil can damage aquatic habitat and are considered pollutants. The plan must be upgraded as necessary during the construction period.
 - i. The operator of a construction site which disturbs one acre or more of total land area, and which has or will have a discharge of stormwater to a surface water or to a storm sewer, must apply for coverage under the Washington State Department of Ecology's Baseline General Permit for Stormwater Discharges Associated with Construction Activities.
 - j. Compliance with the Washington State Department of Ecology Water Quality and Solid Waste Program requirements shall be required.
 - k. All new dry wells and other injection wells must be registered with the Underground Injection Control program (UIC) at the Department of Ecology prior to use, and the discharge from the wells must comply with the ground water quality requirement (nonendangerment standard) at the top of the ground water table.
 - l. The requirements for Spokane Clean Air (formerly SCAPCA) shall be met at the time of project construction.
 - m. Additional comments for this project are included within the Conditions of Approval for the project.
- 4. The proposal shall comply with the R-1 (Single Family Residential) and O (Open Space/ Recreation) Zone regulations, as amended.
 - 5. The final plat shall be designed substantially in conformance with the preliminary plat, as amended, to meet the City development standards. No increase in density or numbers of lots, or substantial modification of the preliminary plat or conditions of approval, shall occur without a change of conditions application and its approval by the Hearing Examiner and City Council after public hearings. Applicant acknowledges and agrees that upon a modification of the City Development Code, approved by the City Council prior to final plat submittal, that allows a net density of less than four (4) units per acre due to topographical constraints, that the applicant may submit a final plat showing a reduced number of lots that is more suitable for hillside development. Additionally, any modification of the City Development Code, approved by the City Council prior to final plat submittal, that allows a

modification of the development design standards due to topographical constraints or existing conditions may also be incorporated into the final plat submittal.

6. The Planning & Community Development Department Director / designee shall review any proposed final plat to ensure compliance with these Findings and Conditions of Approval.
7. A final plat / name / number shall be indicated before the final plat is filed, such name / number to be approved by the Planning & Community Development Director / designee.
8. Appropriate street name(s), approved by the Planning & Community Development Department, shall be drafted on the face of the final plat.
9. The street address for each lot shall be indicated on the face of the final plat. The City of Liberty Lake Planning & Community Development Department reserves the right to confirm the actual address at the time a building permit is issued.
10. The preliminary plat is given conditional approval for five (5) years from date of approval. To request an extension of time on the preliminary plat, the applicant must submit a written request to the City of Liberty Lake Planning & Community Development Department at least thirty (30) days prior to the preliminary plat expiration in accordance with City Development Code section 10-4D-3 (D) Modifications and Extensions. If an extension request is not submitted prior to the expiration of the preliminary plat, the preliminary plat will become null and void at such time to the extent it has not received final plat approval.
11. Appropriate utility easements as well as all other easements and their purpose, shall be indicated on copies of the proposed final plat. Approval of utility easements by appropriate utility companies and ability to serve letters shall be received with submittal of the final plat.
12. Placement of telecommunication, cable television lines, and other utility facilities shall be underground and undergrounding of all newly installed or extensively modified utilities under 13kV shall be required to protect viewsheds and corridors.
13. The final plat dedication shall state:

“Utility easements shown on the herein described plat are hereby dedicated for the use by serving utility companies for the construction, reconstruction, maintenance, protection, inspection, and operation of their respective facilities; fiber optics, cable, phone, natural gas, and electric. The rights granted herein shall prohibit: Encroachment of drainage swales or ‘208 structures’ when they interfere with the utilization of these easement strips by the serving utilities; Changes in grade that alter coverage over installed facilities; Installation of water meter boxes; Placement of surface structures of brick, rock, or masonry that interfere with the rights granted herein. The installation of street light poles is also prohibited unless installed by the serving utility company. Utility companies also have the right to trim and/or remove trees, bushes, landscaping, and to prohibit structures that may interfere with the construction, reconstruction, reliability, maintenance, and safe operation of same. This provision shall not prohibit fences or any lateral crossings of the easement strips with domestic water or sewer lines.”
14. Liberty Lake Road is identified by the City of Liberty Lake as an Aesthetic Corridor / Boulevard. Rock outcroppings and native or established landscaping visible from Liberty Lake Rd. shall be preserved.

15. House setbacks shall conform to the City Development Code and shall be identified on the final plat as follows with a matching detail:
Front Yard = 16' (house) / 20' (garage)
Side Yard = 5'
Rear Yard = 15'
Flanking Yard = 15'
16. The final plat map shall indicate by a clear, dashed line, the required yard setbacks from all streets. The final plat dedication shall state:

"Setbacks are specifically drafted on this final plat. The setbacks indicated on this plat may be varied if proper zoning approvals are obtained."
17. Final plat submissions shall comply with City Development Code section 10-4D-7, Submissions and Approval Criteria: Final Plat, BSP, and Short Plat, as applicable.
18. At the time of final plat submittal, the applicant shall supply two (2) current certificates of title to the City of Liberty Lake Planning & Community Development Department, with the plat file number indicated on the plat certificate cover sheet.
19. At the time of final plat submittal, the applicant shall supply a copy of all Covenants, Conditions, & Restrictions (CCR's), deed restrictions, private easements and agreements, and other documents pertaining to common improvements that have or will be recorded that are referenced on the plat or that affect the property.
20. At the time of final plat submittal, the applicant shall demonstrate either on the face of the final plat or on an acceptable attachment that all lots located on a cul-de-sac street meet or exceed the minimum required front lot line width.
21. Prior to final plat submittal, the applicant shall demonstrate feasibility for providing driveway access and building sites on each lot. All individual lot access driveways must meet the driveway approach grade standards contained in the City Street Standards and be acceptable to the City Engineer.
22. A survey is required prior to filing of the final plat.
23. The final plat dedication shall state and information shall be provided:

"The owners of all lots within this subdivision shall be members of the "Liberty View Villas" Homeowner's Association, a homeowners association created by document recorded _____ by the Secretary of State of the State of Washington under U.B.I Number _____ and subject to the Articles of Incorporation and Bylaws thereof. All owners shall be subject to the DECLARATION OF PROTECTIVE COVENANTS FOR "LIBERTY VIEW VILLAS" HOMEOWNER'S ASSOCIATION as recorded under Auditor's Document No. _____."
24. The final plat dedication shall state:

"Liberty View Villas" Homeowner's Association will be responsible for the maintenance of all landscaped strips, open space tracts, alleys / driveways, and street lighting. Additionally, any private streets or common areas shown on this plat are hereby dedicated to the "Liberty View Villas" Homeowner's Association and the HOA will be responsible for the maintenance of streets and common areas within

the plat.

25. Any private streets and common areas shall be considered subservient estates for tax purposes to the other lots created herein.
26. The drainage system will neither be maintained nor operated by the City. Prior to plan acceptance by the City, the Sponsor shall provide a mechanism, acceptable to the City, for the perpetual maintenance of the stormwater drainage system. This mechanism shall also provide for the funding of routine maintenance and the replacement of the various components of the drainage system at the end of the service life of the respective components, and any other improvements that may be legally required in the future. An Operations and Maintenance Manual for the stormwater management system shall be prepared by the Sponsor's Engineer, and included in the project documents submitted to the City for acceptance, along with a discussion of the design life of the various components, a calculated annual cost for repair and maintenance, and a calculated replacement cost. Homeowners Associations are accepted by the City for carrying out the required maintenance functions and responsibilities.
27. The City of Liberty Lake Planning & Community Development Dept. shall prepare and record with the Spokane County Auditor at time of final plat recording, a notice that the property in question is subject to a variety of special conditions imposed as a result of approval of a land use action. This Title Notice shall serve as a public notice of the conditions of approval affecting the property in question. The Title Notice should be recorded within the same time frame as allowed for an appeal and shall only be released, in full or in part, by the Planning & Community Development Dept. The Title Notice shall generally provide as follows:

The parcel of property legally described as [insert legal description] and commonly known as "Liberty View Villas" is the subject of a land use action by the City of Liberty Lake City Council on [insert date], imposing a variety of special development conditions. File # P-07-0001 is available for inspection and copying at the Liberty Lake Planning & Community Development Dept.

28. All construction within the "Liberty View Villas" that does not meet the required setbacks of Appendix J of the 2006 International Building Code (IBC) for building close to slopes is to be engineered. Slope stabilization is also to meet the standards of Appendix J.
29. The final plat dedication shall state:

The owners or successors in interest agree to join in any City-approved stormwater management program and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining, or operation of stormwater control facilities.

The owners or successors in interest also agree to join in any City-approved local improvement district for street improvements and to pay such rates and charges as may be fixed through public hearings for service or benefit obtained by the planning, design, constructing, maintaining, or operation of streets.

30. The final plat dedication shall state:

A public sewer system will be made available for the plat, and individual services will be provided to each lot prior to sale. Use of individual on-site disposal systems shall not be authorized. The developer of the proposal shall bear the cost of providing the

required services to the lots.

31. The final plat dedication shall state:

A public water system will be made available for the plat and individual service will be provided to each lot prior to sale. The use of private wells or water systems is prohibited. The developer of the proposal shall bear the cost of providing the required services to the lots.

32. The final plat dedication shall state:

The public water system, pursuant to the Water Plan approved by the City, Spokane County Fire Protection District #1, and the water purveyor, shall be installed within this subdivision, and the subdivider / sponsor shall provide for individual domestic water service as well as fire protection to each lot prior to sale of each lot and prior to issuance of a building permit for each lot.

33. A water plan and emergency access approval letter from Fire District #1 shall be supplied prior to recording of the final plat. The water system must be designed to be adequate for proposed home sizes. Compliance with Section D107.1 of the 2006 International Fire Code shall be required.
34. Prior to the issuance of the initial building permit(s), the applicant shall submit to the City Planning & Community Development Department, documentation signed by the water purveyor and the applicable fire district stating that the public water system has been installed, tested, and accepted as operational pursuant to the approved water plan.
35. Sewer plans acceptable to the City / sewer purveyor shall be submitted prior to the finalization of the project.
36. Before the street and stormwater plans are submitted to the City of Liberty Lake, a Design Deviation must be submitted to the City for any non-standard elements of the project plans. The sponsor shall acquire approval of the Design Deviation from the City before construction plans are submitted for review. The Design Deviation request must include adequate engineering justification and drainage calculations, and should include any other agency approvals that may be necessary for the proposed deviation to work as designed. The Design Deviation request shall include a description of maintenance responsibilities. The City may approve or deny a Design Deviation or may impose conditions of approval on the Design Deviation.
37. Prior to final plat submittal, a Professional Engineer, licensed in the State of Washington, shall submit four (4) copies of the street, grading, and drainage plans, a drainage report, and calculations that conform to the adopted City Street and Stormwater Standards, and all standards and laws that are applicable to this project. Final street, grading, and drainage plans, and drainage reports shall receive acceptance by the City prior to release of a construction or building permit or approval of the final plat.
38. If the development will be gated, a Knox key switch at the gate is required by the Spokane County Fire District #1.
39. Fire hydrants will be required every 600 feet along proposed streets and driveways.
40. Turning radiuses for private driveways and secondary access must be approved by the Spokane County Fire District #1 and private driveways may require fire department turnarounds.

41. All internal streets which are to be constructed within the proposed development are to be constructed to public street standards for local access streets with curbing and separated sidewalks, as required by the City Development Code and the adopted City Street Standards.
42. Construction within the proposed streets and easements shall be performed under the direct supervision of a licensed engineer / surveyor, who shall furnish the Planning & Community Development Department with "Record Drawings" plans and a certification in writing that all improvements were installed to the lines and grades shown on the approved construction plans and that all disturbed monuments have been replaced.
43. Approach permits are required for any access to the City of Liberty Lake street system.
44. No construction work is to be performed within the existing or proposed public right-of-way until a Right of Way permit has been issued by the Planning & Community Development Department. All work is subject to inspection and approval by the City.
45. All construction work, i.e. utilities, streets, stormwater, etc., is to be completed prior to filing the final plat or a bond for the amount estimated and certified and stamped by a Professional Engineer, licensed in the State of Washington to cover the cost of construction of improvements, construction certification, "Record Drawings" plans, and monumenting the street centerlines shall be filed with the City Planning & Community Development Department.
46. Prior to recording of the final plat, cost estimates for all improvements, including landscaping, with engineer's stamp and signature are to be supplied to the City for review and approval. Additionally, the cost estimates for the items that will be bonded for with engineer's stamp and signature are to be supplied to the City for review and approval, prior to bond preparation.
47. Appropriate provisions shall be made that the following described property be held in trust until the continuation of the streets be dedicated or deeded: A 1-foot strip at the ends of edges of all streets that terminate or border the plat boundary. Temporary cul-de-sacs are required when streets terminate at the plat boundaries.
48. No direct access will be allowed from individual lots to Liberty Lake Rd.
49. The final plat shall include provisions for pedestrian linkages shown on the final civil plans and final plat map, as required by the City Development Code Section 10-3B-3, to construct a continuous pathway system that includes street connectivity and connection to the trail system at Settler Drive / Outlet Channel Trail. Improvements along Liberty Lake Rd. may require additional right-of-way necessary to accommodate a 10' wide asphalt, multi-use path, separated from Liberty Lake Rd. along the project frontage between the proposed Liberty View Lane and Settler Drive.
50. A pedestrian crossing, signed and striped per MUTCD, will be required across Liberty Lake Road aligned with the north sidewalk on Settler Drive.
51. Prior to final plat submittal, the project sponsor shall evaluate the drainage facilities for Liberty Lake Road along the project frontage and improvement may be required.
52. A school bus staging area shall be provided at the connection of Liberty View Lane and Liberty Lake Road Configuration is to be coordinated with Central Valley School District (CVSD).

53. The applicant is advised that there may exist utilities either underground or overhead affecting the applicant's property, including property to be dedicated or set aside for future acquisition. The City of Liberty Lake will assume no financial obligation for adjustments or relocation regarding these utilities. The applicant should contact the applicable utilities regarding responsibility for adjustment or relocation costs and to make arrangements for any necessary work.
54. Prior to recording the final plat, the sponsor shall demonstrate to the satisfaction of the Spokane Regional Health District that an adequate and potable water supply is available to each lot of the plat.
55. If the requested plat is approved, the Director of Planning & Community Development will review to ensure Transportation Concurrency.

DATED this 7th day of August 2007.



Greg Smith
City of Liberty Lake Hearing Examiner Pro Tem